



Town Of Amenia

4988 Route 22, PO BOX 126, AMENIA, NY 12501

Phones: (845) 373-8860 and (845) 373-8118

PLANNING BOARD MEETING THURSDAY, MARCH 1, 2012

PRESENT: Peter Clair
Norm Fontaine
Larry Moore
Nina Peek, Chair
Nathan Roy
Jim Walsh
Ian MacDonald, Attorney

ABSENT: Tony Robustelli

MOTION TO OPEN THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Jim Walsh.

ALL IN FAVOR - MOTION CARRIED.

Nina Peek discussed the two week submission requirements for deadlines that have always been in place and the Planning Board will now be enforcing. A requirement of two weeks is fair for the applicants and permits the board members adequate time to review materials before the meeting. There could be certain special cases where an emergency application could be heard. Ms. Peek also stated that in order to reduce the amount of paper received, the Planning Board will begin asking for all materials to be submitted electronically as a PDF file. Paper copies of large format site plans will be available. Supervisor Bill Flood stated that the town is in the process of upgrading its computer systems. This process is expected to be completed within the next few weeks. After that, all files will be scanned and filed as a PDF file.

Jordan

Special Use Permit

**4905 Route 44
Amenia, NY**

MOTION TO OPEN THE PUBLIC HEARING FOR JORDAN SPECIAL USE PERMIT was made by Larry Moore, seconded by Peter Clair.

ALL IN FAVOR - MOTION CARRIED.

Nina Peek asked Neil Wilson, President of LRC Planning Services, for a brief outline of the project for the members of the audience. Neil Wilson went on to say that it is an application to reestablish a long time restaurant use. The current lessee of the premises failed to continue through on his obligations to open the restaurant in a timely fashion resulting in the loss of the prior non-conforming use. Wilson stated that Amenia has a unique provision in their code that permits the reestablishment of a special use permit in certain circumstances. There are no proposed site plan changes; the building will operate as a restaurant as it has previously. Jim Walsh asked about the 28 parking spaces outlined in the gravel lot. Neil Wilson replied that the plan is meant to illustrate the parking spaces as if the area was a paved surface but there would not be lined spaces. The plan notes that the lines in the parking spaces are for map purposes only. In his opinion the gravel parking lot in the back has always provided a sufficient number of spaces.

Nathan Roy raised a concern about the blind curve coming West on Route 44. He stated that traffic moves fast around the corner and questioned how much time a person has to pull out of the parking lot. Neil Wilson said the concern has never been raised before. The curb cut is very wide open. It is just a matter of people paying attention to what is going on because the site lines coming out are fine both east and west.

Nina Peek opened the meeting for Public Comment.

Don Rosendale, a neighbor, lives across the street from the restaurant and stated he is 98% in favor of the project. In his opinion, the restaurant has been well run in the past can be an asset to the neighborhood. His reservation with the project is that when the space is vacant for long periods of time it is a damper on the neighborhood. The gentleman who has held the lease for two years has not really done anything with the property. Mr. Rosendale stated that he does not want to be in the position where a new special use permit is granted and the owner still does not open a restaurant. He asked if it was possible to put a shorter time period on the permit to encourage sooner operation of the restaurant. Attorney Tom Whalen stated that Mr. Rosendale can be assured that the property owner wants to address the issue of the legality of the use and for it to remain a restaurant. Mr. Whalen also stated that despite the issues the property owner has had with the current lessee, seeking a residential use on the property could be more troublesome for the neighborhood and more out of sync than the non-conforming restaurant use, which they are attempting to reestablish. Mr. Whalen assured the audience that if he leaves the meeting with the Planning Board's approval of the application that the issue with the inactivity of the restaurant will be very swiftly put to rest.

Nina Peek asked Planning Board Attorney Ian MacDonald for the two resolutions. Ian MacDonald stated that there are two resolutions; one for the application and another for the State Environmental Quality Review Act (SEQRA). Mr. MacDonald pointed out that Ms. Peek had asked him to make a change to the SEQRA resolution but he was not able to do that in time for the meeting. He suggested that the Board adopt the resolution with the proposed amendment. Ms. Peek stated that the change she requested was the date of when the Planning Board declared themselves lead agency. Ms. Peek stated that the resolution was sent to the Dutchess County Department of Planning and Development and that their reply was that the project is a local concern. The other documentation is in order, including an Environmental Assessment Form (EAF), Land use application, site plan, and public hearing. Ms. Peek suggested that the Planning Board vote on the resolutions pending the one minor missing date for the SEQRA resolution.

MOTION TO APPROVE SPECIAL USE PERMIT FOR JORDAN APPLICATION made by Peter Clair, seconded by Norm Fontaine.

ALL IN FAVOR - MOTION CARRIED.

Planning Board Secretary Sunny McCool did a role call and resolution was signed by Planning Board.

MOTION FOR ISSUING A NEGATIVE DECLARATION FOR JORDAN SPECIAL USE PERMIT APPLICATION made by Peter Clair, Norm Fontaine.

Planning Board Secretary Sunny McCool did a role call and resolution was signed by Planning Board.

MOTION TO CLOSE PUBLIC HEARING FOR JORDAN SPECIAL USE PERMIT made by Peter Clair, seconded by Jim Walsh.

ALL IN FAVOR - MOTION CARRIED.

MOTION TO OPEN REGULAR MEETING made by Peter Clair, seconded by Norm Fontaine.

Landfill/Silo Ridge**Tree Removal****NYS Route 22
Amenia, NY**

Liz Rovers, an engineer from C.T. Male for the Town of Amenia, discussed Amenia land fill remedial construction project. Ms. Rovers began by giving a brief background of the project and its location. The plans, specifications, and remedial design report were all approved by New York State Department of Environmental Conservation (DEC) in the middle of January 2012. The project went out to bid on January 23, 2012. Bids were received on February 23, 2012 and are being reviewed. The project will be awarded at the next Town Board meeting and then the project will begin soon thereafter.

Ms. Rovers went on to discuss the contaminated sediment that has to be removed in the wetland on the west side of the landfill and placed on top of the landfill below the cap. The landfill will be regraded and capped to meet DEC requirements with respect to slopes. Ms. Rovers indicated on a map the road that will be constructed to access the pond on the south side of the site. The sediment remediation will require the installation of an outer sediment barrier (turbidity curtain) and an inner hydraulic barrier to control any contamination leaving the work area. The desire is to install the barriers downstream to upstream in order to capture any contaminants. Access is available to the downstream (south side) and they are attempting to gain access upstream (north side).

In order to construct an access road to install the barriers, C.T. Male has proposed cutting a 5,000 square foot area of trees. Upon completion of the work, top soil would be added and seeded with the installation of erosion control blankets; the trees would not be replanted. Essentially any of the trees that are on top of the landfill are required to be removed by the NYSDEC because a cap needs to be added. Waste stopped being added to the landfill in the late 1970's and trees grew by themselves so trees will eventually grow back in the proposed area.

Ms. Rovers passed around photographs illustrating the knoll area where a monitoring well is located. From an environmental standpoint, Ms. Rovers feels it is better to install barriers downstream to upstream. Jim Walsh stated that if there are funds left over he would like to see trees planted because they are more apt to prevent erosion. Ms. Rovers stated that erosion blankets work very well. Ms. Rovers also mentioned that in the long term the town would like to provide low impact recreation on the site. The parking area could be a type 2 stone sub base with some walking paths along the pond.

Nina Peek stated that the reason she asked Liz Rovers to attend the meeting is because for the Silo Ridge application, the applicant had prepared some visual simulations across the landfill property to the proposed project site. The removal of trees would make homes more visible from Route 22 and the Rail Trail. Ms. Rovers stated that the existing trees will be chipped and placed below the cap. A few of the tree stumps with contaminated soil will be disposed of off-site. All trees need to be cut by March 31st to avoid the Indiana Bats that fly through and live in dead trees around the spring and summer.

The Board decided that, if possible, it would be worthwhile if the Town has funding leftover after project completion, some of the money could be used toward replanting on trees on the knoll. Bill Flood stated that within the next thirty days the Town will have a better idea of the cost of remediating the land fill. Bill Flood pointed out that after grading a planting scheme will be discussed.

Nina Peek stated that no approval is needed from the Planning Board. Ms. Rovers asked the Planning Board to convey that statement to Silo Ridge that it is ok to remove the trees and that they will not be held responsible for the removal of the trees.

Patel**Site Plan****5329 Route 44
Amenia, NY**

Nina Peek stated that the Planning Board just received a completed signed off copy of the application from Nancy Brusie, the Zoning Administrator. Ms. Peek acknowledged that the application did not include sketches of the signs, as requested. Mr. Patel stated that he had forgotten to include the sketches, and therefore provided one copy to the Board. Mr. Patel pointed out there will be two stores with one sign

each. Mr. Patel commented that they may also put a third sign on the site of the building. Ms. Peek asked if they would be all the same material and the same size and Mr. Patel confirmed that all signs would be the same size and made out of wood. Mrs. Patel said they would do whatever is required by the town for signage. Mr. Patel provided example materials of the new siding for the building.

Nina Peek stated that everything needs to conform to zoning regulations and that if the signs do not conform to the Town's signage regulations, the Town will require that the Patel's remove the signs. The Patel's agreed.

Nina stated that an escrow needs to be set to circulate notices for the site plan application for a building in the hamlet historic overlay district for Public Hearing. The Planning Board will set the Public Hearing for the next meeting.

Nina Peek stated that she will check with Lana Anguin-Cohen to see what kind of funds are needed to circulate notices. The application will also be circulated to the Dutchess County Department of Planning and Development and request that they expedite their review to the extent possible. At maximum the Patel's will be required to wait 30 days. No vote will be taken until the Planning Board receives a response from the Dutchess County Department of Planning and Development.

Other Matters

Nina Peek stated that the Maplebrook School application was approved in December but no one signed or dated the EAF so she did that.

Nina Peek also stated that further information from Deda was also outstanding. Ms. Peek stated that Mike Soyka never heard from Dan Wheeler on the application. Peter Clair stated that Mike Soyka informed Deda that they did not need any further information. Ian MacDonald agreed to check with Mike Soyka to confirm progress.

Nina Peek stated that NYSEG substation does need to come in front of the board to discuss the new shed they want to build.

Nina Peek and the board received an email with site and landscaped plans from NEXTEL regarding the proposed landscaping, location of the generator, and fencing materials and she asked the board to review the information for discussion at the next meeting.

MOTION TO CLOSE MEETING by Peter Claire, seconded by Jim Walsh.

ALL IN FAVOR – MOTION CARRIED.

Respectfully submitted,
Sunny McCool
Planning Board Secretary
Approved 04-26-2012